

**CITY OF CENTRAL, COLORADO  
ORDINANCE 12-19**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO AMENDING CERTAIN PROVISIONS OF ARTICLE II OF  
CHAPTER 6 OF THE CENTRAL CITY MUNICIPAL CODE; SPECIFICALLY  
FEES AND CHARGES RELATED TO AVOIDABLE OR FALSE ALARMS**

**WHEREAS**, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

**WHEREAS**, in furtherance of the public health, safety and welfare of the City of Central, the City Council adopted Article II of Chapter 6 of the Municipal Code titled "Alarm System" through the passage of Ordinance No. 275 in 1991 (the "Prior Ordinance"); and

**WHEREAS**, the Prior Ordinance established certain excessive use fees and fees for false alarms (collectively, the "Fees"); and

**WHEREAS**, the Fees have not been updated for over 20 years; and

**WHEREAS**, City staff is recommending that the Fees not be specifically set forth in Article II of Chapter 6 of the Municipal Code, but rather be included in the City's fee schedule that is adopted by City Council and amended from time to time; and

**WHEREAS**, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO THAT:**

**Section 1.** Section 6-28 of Article II of Chapter 6, titled "Revocation of permit" is hereby amended to read as follows in its entirety:

**Sec. 6-28. Revocation of permit.**

- (a) An alarm user permit shall be revoked whenever twenty-five (25) or more avoidable alarms are recorded for a system in any one (1) permit year. The alarm user may reinstate a revoked permit by: payment of all applicable excessive use fees, as imposed pursuant to Section 6-29; payment of a reinstatement fee in an amount set forth in the City's fee schedule; and by submission of proof that modifications have been made to the alarm system to reduce the number of avoidable alarms.
- (b) An alarm user permit shall be revoked whenever excessive use fees have not been previously paid within one (1) year of the occurrence of an avoidable

alarm about which the alarm user has been issued an excessive use fee notice.

**Section 2.** Section 6-29 of Article II of Chapter 6, titled “Notice of excessive use fees” is hereby amended to read as follows in its entirety:

**Sec. 6-29. Notice of excessive use fees.**

- (a) The City shall notify an alarm user in writing, by means of first class mail sent to the address listed on the permit application, when an alarm user has had two (2) avoidable alarms during a permit year. Such notice of excessive use shall inform the alarm user that additional avoidable alarms will subject the alarm user to specific fees set forth and referenced in the City’s fee schedule. Any and all fees imposed pursuant to this Section shall be due to the City within thirty (30) days following the date on which the fee is imposed by the City on an alarm user. Failure of any alarm user to remit the outstanding fee(s) to the City within the applicable period shall constitute a prohibited act under this Code, subject to the general penalty provisions in Section 1-72 of this Code. At the end of the permit year, the City shall notify each alarm user in writing, by means of first class mail sent to the address listed on the permit application, of any outstanding fees due to the City under this Section, if not previously paid.
- (b) The Chief of Police and the City Clerk shall issue rules, regulations or procedures governing the number and type of any additional notices of excessive use.
- (c) Owners of new alarms will be allowed a ten (10) day grace period from issuance of the alarm user permit before any avoidable alarms are recorded by the City for excessive use fee purposes.

**Section 3.** Section 6-33 of Article II of Chapter 6, titled “Permit for police alert alarms; charges for false alarms” is hereby amended to read as follows in its entirety:

**Sec. 6-33. Permit for police alert alarms; charges for false alarms.**

- (a) Permit for police alert alarms. No person shall own, use, lease, operate or maintain a police alert alarm within the City unless such person shall have first obtained a permit from the City Clerk. The permit application shall contain such information as the City Clerk, with the advice of the Chief of Police, shall require. In order for a police alert alarm to be eligible for response by the police, the user of such alarm must submit as part of his or her permit application a signed release and waiver granting permission for entry into premises by the police, which release and waiver shall be acceptable in form to the City Attorney. No police alert alarm permit may be renewed unless the user has paid all outstanding false police alert alarm charges imposed under Subsection (b) below. No release and waiver shall be renewed unless the user signs a new release and waiver at the time of renewal.

- (b) False hold-up and false police alert alarm charges. Activation of hold-up alarms or police alert alarms shall be deemed an intentional act for which a fee shall be imposed, in the specific amount(s) set forth and referenced in the City's fee schedule. Failure of any person to remit the outstanding fee(s) to the City by the applicable due date shall constitute a prohibited act under this Code, subject to the general penalty provisions in Section 1-72 of this Code.

**Section 4.**     **Codification Amendments.** The codifier of Central City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

**Section 5.**     **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 6.**     **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 7.**     **Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the 4<sup>th</sup> day of December, 2012, at Central City, Colorado.

## **CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

Approved as to form:

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Linda C. Michow, City Attorney

ATTEST:

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Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the 18<sup>th</sup> day of December, 2012.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on December 6, 2012.**

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on December 18, 2012.**

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel City Clerk